

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 1316 OF 2021

Ku. Noori Walji Munawat
(Sau. Noori Dhulsingh Rathore)
Aged about 47 years, Occu. - Housewife,
R/o. Aaspur, Tahsil Dungarpur,
Rajasthan.

.... **PETITIONER**

// VERSUS //

- 1) Maharashtra State Board of
Secondary and Higher Secondary
Education, Pune through
its Chairman.
- 2) Divisional Secretary Maharashtra
State Board of Secondary and
Higher Secondary Education
Amravati Division, Amravati.
- 3) The Education Officer,
Secondary Amravati.

.... **RESPONDENTS**

Shri Amit M. Kukday, Advocate for petitioner.
Shri Anand Parchure, Advocate for respondent Nos.1 & 2.
Shri A. S. Fulzele, Addl.G.P for respondent No.3.

**CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.**

DATED : 08.04.2021.

ORAL JUDGMENT : (Per Sunil B. Shukre, J.)

1. Hearing is conducted through Video Conferencing and all the learned Advocates agreed that the audio and visual quality was proper.

2. Heard. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

3. The correct name of the petitioner could be seen in the birth certificate filed along with the petition at page No.10. Her name has been mentioned as “Noori Walsing Munawat”. This name of the petitioner was correctly mentioned in documents issued by Amarvati University, copies of which have been filed along with the petition from page Nos.15 to 20, 22 and 23. These documents are Mark-lists of B.Com. Part-I, Part-II and Part-III, Mark list of M.Com., Masters Degree in Commerce, Mark-list of Bachelor of Physical Education (Degree course) and certificate conferring degree in Bachelor of Physical Education issued by the University. There are other documents as well such as transfer certificate issued by Phulsing Naik Mahavidyalaya, Pusad and character certificate issued by the College of Physical Education, Pusad, which mentions name of the petitioner in the same way as it is mentioned in her birth certificate. However, prior to these documents, there was also a phase when the petitioner was issued

documents by Maharashtra State Board of Secondary and Higher Secondary Education mentioning her name in a different manner. Her name in these documents have been stated as “Munawat Bhuri Walji”. There is no dispute about the identity of the person named as “Munawat Bhuri Walji” to be the same person as “Noori Walsing Munawat”. If there is no dispute about the identity of the person mentioned in the documents issued by Maharashtra State Board of Secondary and Higher Secondary Education and of the person named in the University documents and both these persons are admittedly one and the same, and when there is also no dispute about the correctness of the name stated in the birth certificate, it has to be said that the name mentioned in the State Board documents are result of an obvious error on the part of the concerned officials of the Board. Whenever the mistake in mentioning name of the person in the documents appears because of an obvious error, necessary correction is required to be made in the documents.

4. This is the view taken by the Full Bench of this Court in it's judgment rendered in the case of *Janabai Thakur Vs. State of Maharashtra (2019) 6 Mh.L.J. 769*. The petition, therefore, deserves to be allowed and it is allowed in terms of prayer clause (a). The petitioner is directed to return the original mark-list and certificate to

respondent No.2 latest by 09.04.2021, where upon respondent No.2 shall forthwith issue the corrected documents showing the correct name of the petitioner in the manner as is shown in her birth certificate.

Rule accordingly. No costs.

(AVINASH G. GHAROTE, J.)

(SUNIL B. SHUKRE J.)

Kirtak